

EXHIBIT W

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MARYLAND
No. WDQ-02-CV-648

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

 Plaintiff,

and

KATHY C. KOCH,

 Plaintiff-Intervenor,

vs.

LA WEIGHT LOSS,

 Defendant.

This is the Examination Before Trial of

 JODI WALTERS

held on the 5th day of April, 2005
held at the offices of Verbatim Court Reporting,
402 West Church Street, Elmira, New York.

REPORTED BY: ELIZABETH R. BRUCIE, RPR

Notary Public

JODI WALTERS by MR. WETCHLER

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1 Q At any time were you told anything else about what
 2 LA Weight Loss was or wasn't looking for?
 3 A Sure, they were looking for men who were gay.
 4 Q Have you completed your answer?
 5 A No.
 6 Q Okay. Please continue.
 7 A We were told as far as men, that men were not
 8 hired by LA Weight Loss, they were not, would not have a
 9 good rapport, or as good a rapport with the female
 10 clientele. So the company tended not to hire them.
 11 Q Have you completed your answer?
 12 A I believe so.
 13 Q Are you aware of Pam Corbin holding any position
 14 at LA Weight Loss other than manager of the Elmira center?
 15 A Yes.
 16 Q What other positions did Pam Corbin hold?
 17 A She was trainer.
 18 Q When was she, when, during what period of time do
 19 you understand that she was a trainer?
 20 A When I, shortly after I was hired she was promoted
 21 to trainer.
 22 Q What position did Rita Thompson hold with LA
 23 Weight Loss?
 24 A What time, when I was hired?

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1 Q At any time?
 2 A She was assistant manager when I was hired. Then
 3 she was promoted to manager. And then she was gone, then
 4 she came back as counselor.
 5 Q When you say she was promoted to manager, you mean
 6 center manager?
 7 A Yes, of Elmira. And then she moved to Ithaca
 8 center.
 9 Q Who told you at LA Weight Loss that men are not
 10 hired by LA Weight Loss?
 11 A Pam, Rita, Hildi, Chrissy made reference to it.
 12 Q What exactly --
 13 A Mari.
 14 Q Go ahead, I am sorry.
 15 A Diane I believe made reference to it. I am done.
 16 Q Do you remember Hildi's last name?
 17 A No, I don't.
 18 Q What position was she in when she mentioned men?
 19 A Area supervisor. That's when I first heard of the
 20 gay men.
 21 Q What's Chrissy's last name?
 22 A Mazza.
 23 Q What position did Chrissy hold when she made
 24 reference to the hiring of men?

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1 A She was trainer.
 2 Q When you say Mari, are you talking about Mari who?
 3 A Ritterback.
 4 Q When you are talking about Diane, you are talking
 5 about Diane who?
 6 A Rizio.
 7 Q What did Pam Corbin say to you about the subject
 8 of hiring men?
 9 A Just that if Hildi, if like for example one time
 10 Hildi was in the center and it was just known that it was
 11 just, known that she didn't want any men working there in
 12 the center. She didn't have any men working in any of her
 13 centers.
 14 Q Can you remember in sum and substance anything
 15 that Pam Corbin said about the subject of hiring men?
 16 A Well, somebody did, a man did come in to apply and
 17 I know that the application was thrown out. Because, and
 18 the comment was made, something to the effect, I don't know
 19 the exact words, but Hildi would never look at this anyway.
 20 Q Who said that?
 21 A Pam.
 22 Q Other than, did you see the resume that Pam threw
 23 out?
 24 A No, I didn't see the resume.

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1 Q Did you hear Pam say that Hildi wouldn't be
 2 interested in that any way?
 3 A Yes.
 4 Q To the best of your recollection, who was present
 5 when Pam said that?
 6 A Oh I have no, probably other girls in the center.
 7 But I remember Pam saying that.
 8 Q If Pam, if you didn't see Pam throw away the
 9 resume, how did you know what Pam was talking about when she
 10 said Hildi wouldn't be interested?
 11 A How did I know?
 12 Q Yes.
 13 A It was a known fact. I mean it was communicated
 14 to us that Hildi didn't want straight men working in her
 15 centers.
 16 Q What I am asking you specifically is what Pam said
 17 to you, all right. And if I understand your testimony
 18 correctly, the only thing that Pam ever said to you was
 19 Hildi wouldn't be interested in that; am I understanding
 20 your testimony correctly?
 21 A That Hildi, she didn't want straight men.
 22 Q So are you saying now that Pam said to you Hildi
 23 does not want straight men?
 24 A Right.

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1 about the hiring of men?

2 A If there ever would have been Michelle Gargano or
3 Laura Benton. Katrina and Amy, I don't know their last
4 names.

5 Q When Rita Thompson made statements about the
6 hiring of men, did you ever say anything back to her about
7 the subject?

8 A Why weren't -- that we would just say why, you
9 know, just like discuss. I mean it wasn't anything formal.

10 Q I am asking you whether you remember anything that
11 you said to Rita on the subject of hiring men.

12 A Specifically I don't recall.

13 Q Do you recall in sum and substance anything that
14 you said to Rita Thompson on the subject of hiring men?

15 A Well, we would discuss it, why wouldn't they want
16 to hire men, like in general.

17 Q Can you recall -- I am sorry, I didn't mean to, I
18 didn't know you weren't done. Please continue.

19 A No, go ahead, I am sorry. Go ahead.

20 Q Have you completed your answer?

21 A Yes.

22 Q Can you recall saying anything to Pam Corbin about
23 the subject of hiring men?

24 A I don't recall. I really didn't have much

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1 interaction.

2 Q What, if anything, did Hildi say in your presence
3 about the hiring of men?

4 A She didn't want them working in her centers.

5 Q Did Hildi say, on how many occasions did you hear
6 Hildi say that?

7 A A couple times probably.

8 Q And can you remember who was present then?

9 A No, I don't.

10 Q Do you remember whether anybody was present?

11 A I am sure there was, before the center opened or
12 after, but.

13 Q When you heard Hildi say that, what position did
14 you hold?

15 A Counselor.

16 Q Were you involved in hiring at the time?

17 A No.

18 Q Do you remember what was being, what Hildi was
19 discussing when the subject of hiring men came up?

20 A They were looking for people for our center.

21 Q Can you think of any reason that Hildi would say
22 to you she wasn't interested in hiring men if you aren't
23 interested in the hiring process?

24 MS. QUINLAN: Objection.

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1 Q You can answer.

2 A Why she would say that, I don't know why she would
3 say that.

4 Q What, if anything, did Chrissy ever say to you on
5 the subject, about the subject of hiring men?

6 A It wasn't me directly. But it was just, they
7 weren't, most of the men that were employed by the company
8 were like the co-owners, I mean people in, like maybe the
9 computer tech jobs, and not in the centers.

10 Q Is that something Chrissy said that you heard her
11 say?

12 A Yeah.

13 Q Can you recall Chrissy saying anything else about
14 the subject of men being hired or employed at LA Weight
15 Loss?

16 A Just that, I mean just as far as, in past
17 experience, I mean the company found that women dealt with
18 women, had a better rapport with women than men versus men
19 and women.

20 Q Can you recall what position you held when you
21 heard Chrissy say that?

22 A Counselor. That was during my initial training.

23 Q Can you recall anything else that Chrissy said
24 that you heard her say on the subject of hiring men?

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1 A No.

2 Q Did you ever hear Mari Ritterback say anything on
3 the subject of hiring men?

4 A Just that to be, you know, to send the
5 applications to her, just in case.

6 Q Can you recall anything else that she said about
7 the subject of hiring men in your presence?

8 A Not that I recall.

9 Q Can you recall Diane Rizio saying anything that
10 you heard about the subject of hiring men?

11 A Just that to make sure that I forwarded the
12 resumes so they would be on file.

13 Q Anything else?

14 A Because before I would just discard them.

15 Q Anything else?

16 A I don't believe so.

17 Q When you said before you would discard them, was
18 that a decision that you would make on your own?

19 A I was just doing what previous managers did, just
20 following what they did.

21 Q Can you recall anyone at LA Weight Loss, other
22 than Pam Corbin, Rita Thompson, Hildi, Chrissy, Mari
23 Ritterback or Diane Rizio saying anything about the subject
24 of hiring men?